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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Judgment Creditor,

v.

ULYSSES THOMAS WARE a/k/a
THOMAS WARE,

Defendant and
Judgment Debtor.

05 CR 1115 (WHP)
and
04 CR 1224 (Part I)

**DECLARATION
OF MELISSA A. CHILDS**

MELISSA A. CHILDS states as follows:

1. I am an Assistant United States Attorney (“AUSA”) in the United States Attorney’s Office (“USAO”) for the Southern District of New York.
2. I am one of the attorneys assigned to collect the criminal judgment debts imposed against the defendant-judgment debtor in this case (“Ware II”) and another case against him in this district, *United States v. Thomas Ware*, No. 04 Cr. 1224 (RWS) (“Ware I”). After examination of the dockets and the USAO’s files for both cases, I submit this declaration in support of the United States’ motion to apply funds held on deposit in the Court’s Registry to satisfy the outstanding fine balance in Ware II as the first-in-time judgment, then to the unpaid fine balance in Ware I to satisfy the subsequent judgment, and thereafter to apply any surplus funds on deposit in the Court’s

Registry to reimburse the Criminal Justice Act Fund for the costs of appointed counsel in Ware I and II.

3. On November 17, 2004, Ware was indicted in Ware I and charged with three counts of criminal contempt for his violation of multiple court orders issued by the United States Court for the Southern District of New York in *Alpha Capital Aktiengesellschaft v. Group Management Corp.*, No. 02 Civ. 219 (LBS). See Ware I Amended Sentencing Opinion (Dkt. 70). On November 21, 2007, a jury found him guilty on all counts of the indictment. *Id.* On November 27, 2017, the Court revoked Ware's bail and remanded him to the custody of the United States Marshal. *Id.* On February 2, 2009, the Court entered judgment against Ware, sentencing him to 97 months of imprisonment and ordering him to pay a \$300 mandatory special assessment and a \$12,500 fine. See Ware I Judgment (Dkt. 90). A true and correct copy of the Docket Sheet in Ware I is attached as Exhibit A.

4. While out on bond in Ware I, on September 26, 2005, Ware was arrested pursuant to a warrant issued by the Court after he had been charged by a criminal complaint in Ware II. See Ware II Return of Arrest Warrant (Dkt. 6). On April 30, 2007, a jury found Ware guilty of one count of conspiracy to commit securities fraud and wire fraud and one count of substantive securities fraud. See Ware II Docket Sheet, Minute Entries dated April 17 to 30, 2007. After the jury convicted Ware, the Court required him to post \$25,000 cash bail with the Clerk of Court by May 7, 2007. See Ware II Order (Dkt. 54) and Appearance Bond (Dkt. 58). On June 22, 2007, the Court required Ware to post an additional \$25,000 cash with the Clerk of Court by June 29, 2007 as a condition of bond. See Ware II Order (Dkt. 60). On October 30, 2007, the Court entered judgment against Ware, sentencing him to 97 months of imprisonment (to run concurrently with his sentence in Ware I) and ordering him to pay a \$200 mandatory special assessment and a

\$25,000 fine. *See* Ware II Judgment (Dkt. 96). A true and correct copy of the Docket Sheet in Ware II is attached as Exhibit B.

5. In the 162 months (13½ years) since the Court sentenced Ware in Ware II, he has made only 14 nominal payments totaling \$959 toward his first judgment debt. As of May 10, 2021, the outstanding balance in Ware II is \$34,957.86. A true and correct copy of the Payment History in Ware II is attached as Exhibit C. Pursuant to 18 U.S.C. § 3612(f), interest accrues on the unpaid balance at the rate of 3.93%.

6. In the 147 months (12¼ years) since the Court sentenced Ware in Ware I, he has made only four nominal payments totaling \$250 toward his second judgment debt. As of May 10, 2021, the outstanding balance in Ware I is \$12,887.80. A true and correct copy of the Payment History in Ware I is attached as Exhibit D. Pursuant to 18 U.S.C. § 3612(f), interest accrues on the unpaid balance at the rate of 0.49%.

7. The undersigned has confirmed with the Clerk of Court that \$50,000 cash bail remains on deposit in the Court's Registry for Ware, which may be applied to satisfy his judgment debts.

8. It appears from examination of the docket that Ware had appointed counsel in Ware I and Ware II

Pursuant to 28 U.S.C. § 1746, I verify under penalty of perjury that the foregoing is true and correct.

Date: May 12, 2021
New York, New York

By: /s/ Melissa A. Childs
MELISSA A. CHILDS